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RCE

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,

Provides for continued examination of a utility or plant

Application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

**Application Number:** 10/825,583

**Filing Date:** April 15, 2004

**First Named Inventor:** Schmidt

**Group Art Unit:** 2439

**Examiner Name:** Christian A. Laforgia

**Attorney Docket Number:** 2133.034USU

**CUSTOMER NO.:** 27,623

This is a Request for Continued Examination (RCE) Under 37 C.F.R. § 1.114 of the above-identified application.

**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 153 (d) (PTO/SB/29) instead of RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (August 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

a. XXXXXX Previously submitted

i. XXXXXX Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on \_\_\_\_\_ (any unentered amendment(s) referred to above will be entered).

ii. \_\_\_\_\_ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii. \_\_\_\_\_ Other \_\_\_\_\_

b. \_\_\_\_\_ Enclosed

i. \_\_\_\_\_ Amendment/Reply with transmittal

ii. \_\_\_\_\_ Affidavit(s)/Declaration(s)

iii. \_\_\_\_\_ Information Disclosure Statement (IDS) and PTO-1449

iv. \_\_\_\_\_ Other \_\_\_\_\_

**2. Miscellaneous**

a. \_\_\_\_\_ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)

b. \_\_\_\_\_ Other \_\_\_\_\_

**3. Fees** The RCE fee Under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

a. XXXXXX The Director is hereby authorized to charge the fee of **\$810.00** and any deficiency in fees, or credit any overpayments to Deposit Account No. **01-0467**.

i. XXXXXX RCE fee (\$810.00/\$405.00) required under 37 C.F.R. §1.17(e)

ii. \_\_\_\_\_ Extension of Time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. \_\_\_\_\_ Other \_\_\_\_\_

b. XXXXXX Check in the amount of \$ \_\_\_\_\_ enclosed

c. \_\_\_\_\_ Payment by credit card (Form PTO-2038 enclosed)

October 15, 2009 10/15/2009 SDENBOB3 00000056 010467 10825583

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 15, 2009.

Ruth J. Olivo

NAME

*Ruth J. Olivo*

SIGNATURE

October 15, 2009

DATE